

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

GABINO RAMOS HERNANDEZ

PLAINTIFF

v.

CIVIL ACTION NO. 2:17-cv-123-TBM-MTP

**PHILLIP CAUSEY *and* THE
UNITED STATES OF AMERICA**

DEFENDANTS


ORDER DENYING MOTION TO DISMISS WITHOUT PREJUDICE

This matter is before the Court on the Government's Motion to Dismiss [111]. At the status conference held in this matter on February 1, 2022, the parties discussed the status of Mr. Causey's deployment, case management, and the Motion to Dismiss. The Government also requested the opportunity to address whether an additional negligence claim has been raised by the Plaintiff and is cognizable. The Government's Motion to Dismiss is therefore denied without prejudice. The Government may renew its Motion and address any other negligence claims plead by the Plaintiff. The Government may rely on the briefs previously filed with the Court with regard to the arguments previously presented in the Motion to Dismiss [111].

IT IS THEREFORE ORDERED AND ADJUDGED that the Government's Motion to Dismiss [111] Hernandez' tortious supervision and training claim for lack of subject matter jurisdiction is DENIED without prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that the Government may renew its motion to dismiss by February 16, 2022.

This, the 1st day of February, 2022.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE